

REMARKS

Pending Claims

Claims 3, 5 and 7-10 have been amended. No claims have been canceled or added. Accordingly, claims 1-10 are now pending in this application.

Allowable Subject Matter

Claims 1-4 and 6 were indicated to be allowed.

Claim 7 was indicated be allowable if amended to overcome the rejections under 35 U.S.C. § 112, second paragraph. Claims 8-10, which depend from claim 7, were indicated to be allowable if amended to overcome the rejections under 35 U.S.C. § 112, second paragraph, and the objections set forth in the Office Action.

Claim Objections

Claims 9 and 10 were objected to for containing informalities. In response, Applicants have amended these claims to correct the informalities. Applicants respectfully request reconsideration and withdrawal of the objections in view of the amendments to these claims.

Claim 3 has been amended to correct a minor informality in wording.

35 U.S.C. § 101

Claim 5 stands rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter because the claim is not limited to physical embodiments of a computer program product.

In response, claim 5 has been amended to overcome the rejection. In particular, claim 5 is now directed to a computer readable memory storing a computer program executable by a processor unit in a computer. This limitation finds support, e.g., at page 13, lines 22-25 of Applicants' specification. Claim 5 is now believed to comply with the requirements of 35 U.S.C. § 101. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 5 in view of the amendment to this claim.

35 U.S.C. § 112, First Paragraph

Claim 5 stands rejected under 35 U.S.C. § 112, first paragraph, because it is not supported by a specific and substantial asserted utility. In response, claim 5 has been amended. Claim 5 is directed to a computer readable memory storing a computer program executable by a processor unit in a computer. The program causes a processor unit in the computer to carry out steps including causing a storing unit to store information, reading information from the storing unit, and copying data from one volume to another volume. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 112, first paragraph be reconsidered and withdrawn.

35 U.S.C. § 112, Second Paragraph

Claim 7 stands rejected under 35 U.S.C. § 112, second paragraph, for containing non-idiomatic and ambiguous language. In response, claim 7 has been amended to correct the deficiencies pointed out by the Examiner. In view of the amendments, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

Claim 8 stands rejected under 35 U.S.C. § 112, second paragraph, for containing ambiguous language. In response, claim 8 has been amended to correct the deficiencies pointed out by the Examiner. In view of the amendments, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

Claims 9 and 10 stand rejected under 35 U.S.C. § 112, second paragraph, for containing non-idiomatic and ambiguous language. In response, claims 9 and 10 has been amended to correct the deficiencies pointed out by the Examiner. In view of the amendments, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

Conclusion

Claims 5 and 7-10 are now believed to be in condition for allowance. Should any minor informalities remain in the claims, the Examiner is encouraged to contact the undersigned by telephone to resolve these issues.

In view of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Colin D. Barnitz', with a stylized, sweeping flourish at the end.

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